

CHAPTER 173–592 WAC **RESERVATION OF FUTURE PUBLIC WATER SUPPLY FOR** **CLARK COUNTY**

Last Update: 6/9/88

WAC

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WAC 173–592–010 Purpose. The purpose of this chapter is to reserve ground waters within Clark County for future public water supply.

[Statutory Authority: RCW 90.54.050(1). 86–15–030 (Order DE–86–17), § 173–592–010, filed 7/14/86.]

WAC 173–592–020 Authority. This regulation is adopted pursuant to the Water Resources Act of 1971, chapter 90.54 RCW and chapter 173–590 WAC.

[Statutory Authority: RCW 90.54.050(1). 86–15–030 (Order DE–86–17), § 173–592–020, filed 7/14/86.]

WAC 173–592–030 General.

- (1) These rules shall apply to ground waters in Clark County, as defined in WAC 173–592–040 and 173–592–070(5) as specified in the coordinated water system plan for Clark County, dated March, 1983, and approved by the department of social and health services for the purposes of reserving ground waters for future public supply. The location of the reserved waters is further defined in Attachment 1A of the revised petition requesting reservation of ground waters for future public water supply purposes, dated August 12, 1985, and shown on the reservation source of supply area boundary map in WAC 173–592–120, Illus. 1.
- (2) Appropriation of reserved waters under this chapter shall be in accordance with the intent and procedures set forth in chapters 90.03 and 90.44 RCW.

[Statutory Authority: RCW 90.54.050(1). 86–15–030 (Order DE–86–17), § 173–592–030, filed 7/14/86.]

WAC 173–592–040 Reservation source of supply area defined. “Clark County reservation source of supply area” shall mean those lands lying within Clark County described as follows:

Township	Range	Sections
2N	1W	1, 2, 11, 12, 13, 24
3N	1W	1, 2, 12, 13, 24, 25, 36
4N	1W	1, 2, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 35, 36
5N	1W	36
2N	1E	1–29, 34–36
3N	1E	1–36
4N	1E	1–36
5N	1E	31–36
1N	2E	1–5, 11, 12
2N	2E	1–36
3N	2E	1–36
4N	2E	1–36
5N	2E	31–36
1N	3E	1–17
2N	3E	1–36
3N	3E	1–36
4N	3E	1–36
5N	3E	31–36
1N	4E	1–18, 20–24
2N	4E	6, 7, 18, 19, 25–36
3N	4E	6, 7, 18, 19, 30, 31
4N	4E	6, 7, 18, 19, 30, 31
5N	4E	31

[Statutory Authority: RCW 90.54.050(1). 86–15–030 (Order DE–86–17), § 173–592–040, filed 7/14/86.]

WAC 173–592–050 Definitions. For the purpose of this chapter the following definitions shall be used:

- (1) “Community water use” means use of water associated with needs of a community including street cleaning, parks, public buildings, public swimming pools, fire fighting, and attendant commercial, industrial, and irrigation uses.
- (2) “Director” means the director of the state of Washington department of ecology or the director's authorized representative.
- (3) “Department” means the department of ecology unless otherwise specified.
- (4) “Domestic water use” means use of water associated with human health and welfare requirements, including water used for drinking, bathing, sanitary purposes, cooking, laundering, irrigation of not over one-half acre of lawn or garden per dwelling, and other

incidental household uses.

- (5) “Commercial and/or industrial use” means use of water associated with commercial and/or industrial requirements such as service, processing, cooling, and conveying.
- (6) “Public water supply” means any water supply intended or used for human consumption and community uses for more than one single-family residence.
- (7) “Public water supply system” means a set of facilities including source, treatment, storage, transmission, and distribution facilities whereby water is furnished to any municipality, community, collection, or number of individuals for human consumption and community uses.
- (8) “Coordinated water system plan” means a plan developed by utilities and adopted by Clark County and approved by the department of social and health services covering one or more public water supply system(s), which identifies present and future needs of participating water systems and sets forth means for meeting those needs in the most efficient manner possible.
- (9) “Reservation” means an allocation of water for a future beneficial use with the priority established as of the date when the reservation becomes effective.
- (10) “Appropriation” means the process of legally acquiring the right to specific amounts of the public water resource for application to beneficial uses pursuant to RCW 90.03.250 through 90.03.340 and 90.44.060.
- (11) “Person” means any individual, municipal, public, or private corporation, or other entity, including a federal or state agency or county which operates a public water supply system or who contemplates such an operation.

[Statutory Authority: RCW 90.54.050(1). 86-15-030 (Order DE-86-17), § 173-592-050, filed 7/14/86.]

WAC 173-592-060 Petition received—Notice. A revised petition, dated August 12, 1985, requesting the reservation of ground waters in Clark County pursuant to chapter 173-590 WAC, and a coordinated water system plan approved by the secretary of the department of social and health services, dated March, 1983, were received and accepted by the department. Notice of the receipt of proper petition was published in a newspaper of general circulation in Clark County for two consecutive weeks, and the director sent notice thereof to the directors of the departments of fisheries, wildlife, and social and health services for the purpose of soliciting their comments.

[Statutory Authority: Chapters 43.21B, 43.27A, 90.22 and 90.54 RCW. 88-13-037 (Order 88-11), § 173-592-060, filed 6/9/88. Statutory Authority: RCW 90.54.050(1). 86-15-030 (Order DE-86-17), § 173-592-060, filed 7/14/86.]

WAC 173-592-070 Reservation.

- (1) The department, having heard comments solicited through the notice of receipt of petition and having reviewed a final declaration of nonsignificance under the authority of WAC 197-11-340 (State Environmental Policy Act) and having found ground waters to be generally available for the purposes of the reservation and that the proposed use of the ground waters will result in the maximum net benefit for the people of the state, does hereby reserve portions of those ground waters for future public water supplies in Clark County.
- (2) The department finds that the appropriate amount of the reservation shall be 97,000 gallons per minute and 65,300 acre-feet/year. This is intended to serve the estimated population of

629,200 in fifty years. The amount of this reservation shall be reviewed by the department in consultation with local government whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

- (3) A map showing the reservation source of supply boundaries is shown in Attachment 1A of the revised petition, dated August 12, 1985, requesting reservation of ground water in Clark County for future public water supplies. The map showing the reservation source of supply area boundary is incorporated in this regulation in WAC 173-592-120, Illus. 1.
- (4) Waters reserved herein may be utilized within the geographical boundaries of Clark County consistent with the department of social and health services approved coordinated water system plan, dated March 1983.
- (5) Due to the nature of the geographic distribution of the ground waters to be reserved in Clark County, the reserved ground waters are intended to be beneficially utilized from the following aquifers, as identified in Attachment 1A of the revised petition, dated August 12, 1985:

1A Columbia River Alluvium
1B-2B Upper Troutdale
1C Sandy River Mudstone

- (6) The priority date of any permit issued pursuant to RCW 90.03.290 and 90.44.060 which authorizes withdrawal and use of public water for public water supply pursuant to the reservation provided in subsection (2) of this section shall be the effective date of this regulation.
- (7) A record of all ground water permits issued pursuant to the reservation provided in subsection (2) of this section shall be maintained by the department in a manner that will readily show the quantities that have been allocated from the reserved ground waters, and the quantities of unappropriated ground waters that may remain in the reserved status available for appropriation.
- (8) No permit issued as described in subsection (6) of this section shall authorize a withdrawal that causes a lowering of the water levels below a reasonable or feasible pumping lift in any withdrawal facilities of a senior ground water right holder.

[Statutory Authority: Chapters 43.21B, 43.27A, 90.22 and 90.54 RCW. 88-13-037 (Order 88-11), § 173-592-070, filed 6/9/88. Statutory Authority: RCW 90.54.050(1). 86-15-030 (Order DE-86-17), § 173-592-070, filed 7/14/86.]

WAC 173-592-080 Monitoring program.

- (1) The department, in cooperation with local government agencies, shall implement a comprehensive monitoring program, the purpose of which is to maintain accurate information on the quality and quantity of ground water reserved in WAC 173-592-070(2).
- (2) Under this monitoring program surface and ground water levels will be periodically recorded as well as the levels of any lakes that are maintained by ground waters.

[Statutory Authority: RCW 90.54.050(1). 86-15-030 (Order DE-86-17), § 173-592-080, filed 7/14/86.]

WAC 173-592-090 Water quality. As a general rule, an element of a ground water right is the right to use waters of quality appropriate to the beneficial use. In addition to the protection of the availability of ground water to the water withdrawal facilities of ground water right holders, it shall be the policy of the department to protect the quality of the ground waters of the state and in relation thereto to discourage any withdrawal facilities, construction methods, water use, or disposal practices which would contaminate or otherwise reduce the quality of the ground waters or impair the beneficial uses of ground waters of the state. Local governments with land use authority shall be urged to exercise their authorities in such a manner as to protect the quality of the public ground waters reserved for future public water supply by this chapter.

[Statutory Authority: RCW 90.54.050(1). 86-15-030 (Order DE-86-17), § 173-592-090, filed 7/14/86.]

WAC 173-592-100 Exemptions. Wells for single family domestic, stock watering, or other purposes, for which the withdrawal is less than 5,000 gallons per day, with priority dates subsequent to the effective date of this regulation, shall be junior to it, and the quantities of water withdrawn by exempted wells will not be subtracted from the waters reserved by this regulation.

[Statutory Authority: RCW 90.54.050(1). 86-15-030 (Order DE-86-17), § 173-592-100, filed 7/14/86.]

WAC 173-592-110 Regulation review. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

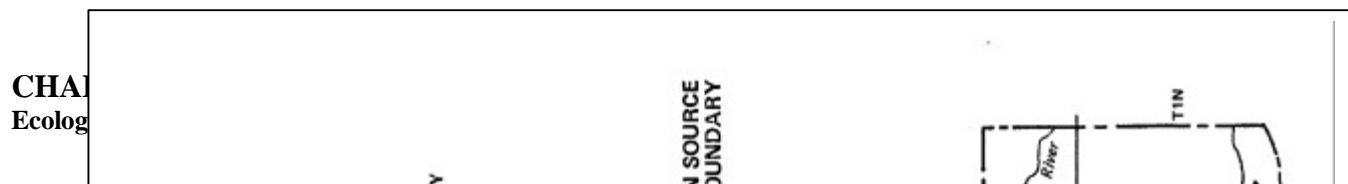
[Statutory Authority: Chapters 43.21B, 43.27A, 90.22 and 90.54 RCW. 88-13-037 (Order 88-11), § 173-592-110, filed 6/9/88. Statutory Authority: RCW 90.54.050(1). 86-15-030 (Order DE-86-17), § 173-592-110, filed 7/14/86.]

WAC 173-592-115 Appeals. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

[Statutory Authority: Chapters 43.21B, 43.27A, 90.22 and 90.54 RCW. 88-13-037 (Order 88-11), § 173-592-115, filed 6/9/88.]

WAC 173-592-120 Reservation source of supply area map. Clark County reservation source of supply area shall include those lands that lie with the heavy outline on the following map:

CLARK COUNTY RESERVATION SOURCE OF SUPPLY AREA BOUNDARY MAP



(WAC 173–592–120, Illus. 1)

[Statutory Authority: RCW 90.54.050(1). 86–15–030 (Order DE–86–17), § 173–592–120, filed 7/14/86.]